



University of Hawaii at Manoa

Environmental Center
Crawford 317 • 2550 Campus Road
Honolulu, Hawaii 96822
Telephone (808) 948-7361

RL:0816

SB 1910 SD 1 RELATING TO LAND BANKING

Statement for
House Committee on
Water and Land Use
Public Hearing - March 14, 1989

By
Jacquelin Miller, Environmental Center
Kem Lowry, Urban and Regional Planning
Nancy Kanyuk, Environmental Center

SB 1910 SD 1 would amend Hawaii Revised Statutes 173A by providing for the acquisition of lands with special resource value.

Our statement on this bill does not represent an institutional position of the University of Hawaii.

The need for controlled regulation of land use, particularly for lands with natural environmental, recreational, scenic and historic value is appropriately recognized in SB 1910 SD 1. Section 1 of the bill directs the Board of Land and Natural Resources to submit an annual report to the legislature containing a list of planned acquisitions, those that have already occurred during the year, and an accounting of the funds remaining. The requirement for annual reporting should improve management of these special resources by assuring that the legislature is kept abreast of the progress and state of the protection program.

Section 2 makes minor grammatical changes to existing statutory language and adds a statement acknowledging the need for greater protection of these special lands due to Hawaii's rapidly growing population and the demands of modern society. Recognition is also appropriately provided for "the need to preserve land uses and values consistent with maintaining a reasonable quality of life for present and future generations".

Section 3 modifies the definition of "land having value as a resource to the State" to include those lands with scenic and open space, ecological, and cultural values. While it could be argued that a broad interpretation of the

existing definition would include these resource values, specifying them will assure that the statutory intent is correctly interpreted.

Section 4 expands the means by which resource value lands may be acquired to include acquisition by purchase in fee, easement, long term lease, negotiation, or land exchange and adds "exchange" to the existing permitted methods for land transfer. Expansion of the means by which lands can be acquired or transferred should improve the ability of the state to act in a timely manner and provide additional land transfer options to land owners thus facilitating their individual needs.

Section 5 provides that funds authorized by the legislature shall be deposited in or credited to the fund for the environment. We assume that the intent of this amendment is to assure that, "for purposes of this chapter," funds authorized by the legislature are credited to the Environment fund, not the state general funds. However, as presently drafted, the phrase "for purposes of this chapter" is not included. We believe that amendment of lines 17-20, page 3, is needed and suggest the following language:

"The proceeds from the sale of any general, obligation bonds or any other appropriations issued or authorized by the legislature for the purposes of this chapter, shall be deposited in or credited to the fund."

Section 6 replaces the term "Development" with the term "use" in reference to actions that the board may undertake with land acquired under this chapter. "Use" is the broader term and more correctly describes the actions that may be carried out by the board.

Section 7 designates \$1 to carry out the purpose of this act. We note that a related bill (HB 1821 HD 1) provided \$10 million for fiscal year 1989-1990 and \$20 million for fiscal year 1990-1991. There are many lands in the state that would qualify as resource value lands and we urge the legislature to provide sufficient funds to carry out the intent and purpose of this bill.